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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached was transmitted via facsimile transmission to TC1600, via facsimile number (703) 872-9306, on this 22nd day of August, 2002.

Steve Callistein

8/22/02
Date

Case No. 1328

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	**Joseph Kevin Gogerty**	**Art Unit:**	**1638**
Serial No.:	**09/758,867**	**Examiner:**	**David T. Fox**
Filed:	**January 11, 2001**	**For:**	**INBRED MAIZE LINE PH7CH**

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.111 TO OFFICE ACTION MAILED MARCH 25, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the office action mailed March 25, 2002, Applicant respectfully requests that the following amendments and remarks be considered and made of record.

It is submitted that the amendments to the claims place them in condition for allowance or in better form for appeal and present no new matter.

IN THE SPECIFICATION

At page 54 of the original application, lines 2 – 21, following "Deposits", please delete the entire paragraph and insert the following:

Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line PH7CH with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. PTA-4438. The seeds deposited with the ATCC on June 4, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800

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Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. This deposit of the Inbred Maize Line PH7CH will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of his rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH7CH has been applied for under Application No. 200100231.

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IN THE CLAIMS

Please cancel claims 33, 45, and 46.

Please amend claims 1, 3, 5, 6, 14, 16, 19, 20, 21, 22, 24, 25, 35, 37, 40, 41, 42, 43, 48, and 49 as follows:

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1. (Amended) Seed of maize inbred line designated PH7CH, representative seed of said line having been deposited under ATCC Accession No. PTA-4438.

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3. (Amended) The maize plant of claim 2 further comprising a genetic factor conferring male sterility.

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5. (Amended) A tissue culture according to claim 4, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

6. (Amended) A maize plant regenerated from the tissue culture of claim 4, capable of expressing all the morphological and physiological characteristics of inbred line PH7CH,

a4 representative seed of which have been deposited under ATCC Accession No. PTA-4438.

a5 14. (Amended) An inbred maize plant, or parts thereof, wherein said inbred maize plant was developed by a cross of the maize plant of claim 2 with a second maize plant, growing a progeny seed obtained from said cross, and repeating the steps of selfing and growing each subsequent generation to obtain said inbred maize plant.

a6 16. (Amended) The method of claim 15 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

19. (Amended) The single gene conversion maize plant of claim 18, wherein the gene is a dominant allele.

a7 20. (Amended) The single gene conversion maize plant of claim 18, wherein the gene is a recessive allele.

21. (Amended) A maize plant, or parts thereof, having all the physiological and morphological characteristics of inbred line PH7CH, representative seed of said line having been deposited under ATCC accession No. PTA-4438.

22. (Amended) The maize plant of claim 21 further comprising a genetic factor conferring male sterility.

a8 24. (Amended) A tissue culture according to claim 23, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

25. (Amended) A maize plant regenerated from the tissue culture of claim 23, capable of expressing all the morphological and physiological characteristics of inbred line PH7CH, representative seed of which have been deposited under ATCC Accession No. PTA-4438.

35. (Amended) The method of claim 34 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

37. (Amended) A process for producing inbred PH7CH, representative seed of which have been deposited under ATCC Accession No. PTA-4438, comprising:

(a) planting a collection of seed comprising seed of a hybrid, one of whose parents is inbred PH7CH said collection also comprising seed of said inbred;

(b) growing plants from said collection of seed;

(c) identifying said inbred PH7CH plants;

(d) selecting said inbred PH7CH plant; and

(e) controlling pollination in a manner which preserves the homozygosity of said inbred PH7CH plant.

40. (Amended) A method for producing a PH7CH-derived maize plant, comprising:

(a) crossing inbred maize line PH7CH, representative seed of said line having been deposited under ATCC Accession No. PTA-4438, with a second maize plant to yield progeny maize seed;

(b) growing said progeny maize seed, under plant growth conditions, to yield said PH7CH-derived maize plant.

41. (Amended) A PH7CH-derived maize plant, or parts thereof, produced by the method of claim 40.

42. (Amended) The method of claim 40, further comprising:

(c) crossing said PH7CH-derived maize plant with itself to yield additional PH7CH-derived progeny maize seed;

(d) growing said progeny maize seed of step (c) under plant growth conditions, to yield additional PH7CH-derived maize plants;

(e) repeating the crossing and growing steps of (c) and (d) to generate further PH7CH-derived maize plants.